

**PENDLETON TOWN BOARD
REGULAR MEETING
April 9, 2025**

A Regular Meeting of the Town Board of the Town of Pendleton was held at the Town Hall, 6570 Campbell Blvd., Pendleton, NY, on the 9th day of April 10, 2025, at 7:00 p.m.

Supervisor Maerten called the meeting to order at 7:04 p.m.

Supervisor Maerten led the invocation and the Pledge of Allegiance.

Roll Call:

Supervisor Maerten	Present
Councilman Buechler	Present
Councilman Hickman	Absent
Councilman Leible	Present
Councilman Lombardo	Present

Also present:

Noreen Lemma – Deputy Town Clerk
Claude Joerg - Town Attorney
David Britton - Town Engineer
Dave Fischer - Highway/Water & Sewer Superintendent
Ron Diedrich - Building Inspector/Code Enforcement Officer
Miranda Freiert - Assessor
Patrick Covell - Recreation Director
Mark Walter – Deputy Supervisor

There were seven residents in attendance, two of whom were Starpoint students.

AMENDMENTS/ADDITIONS/DELETIONS TO THE AGENDA

No amendments were made to the agenda.

PUBLIC REMARKS/COMMENTS ON AGENDA ITEMS

A resident inquired on the “plate readers” with questions regarding policies, safety, data, permanent or temporary. Would appreciate more details.

Same resident asking about the I & I. Requesting breakdown, costs, what budget line, sewer or general? If sewer, how would that effect non-sewer residents?

ROUTINE BUSINESS

RESOLUTION 125-25

MEETING MINUTES – FEBRUARY 24, 2025

Motion by Councilman Leible, seconded by Councilman Lombardo, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo
Nays 0
Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 9th day of April 2025, that the meeting minutes from the Work Session, held on February 24, 2025, are hereby approved as presented by Town Clerk Maurer.

RESOLUTION 126-25

MEETING MINUTES – MARCH 10, 2025

Motion by Councilman Leible, seconded by Councilman Lombardo, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo
Nays 0
Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 9th day of April 2025, that the meeting minutes from the Regular Meeting, held on March 10, 2025, are hereby approved as presented by Town Clerk Maurer.

RESOLUTION 127-25

ABSTRACT #6

Motion by Councilman Leible, seconded by Councilman Buechler, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 9th day of April 2025, to authorize payment of Voucher Abstract #6, Vouchers #25-00212 to #25-00258, which was paid on March 26, 2025, as follows:

General Fund	\$	30,162.53
Highway	\$	18,976.25
Fire District	\$	170,962.00
Refuse	\$	48,533.17
Sewer	\$	11,881.42
Water	\$	1,176.38
Total	\$	281,691.75

OTHER REPORTS

Supervisor Maerten reported that the tax collected for February 2025 was \$177,169.32. This is a decrease of \$3,489.48 when compared with February 2024. The year to date received is \$382,735.68 which a decrease of \$8,421.36 from 2024.

Councilman Leible – Fireworks all set for the 4th, insurance paperwork handed in, hiring and working the music, magic & food vendors.

Councilman Lombardo – Had nothing to report.

Councilman Buechler – Candidates for the Board of Ethics coming along.

Attorney Joerg – Would like to address some of the comments when we get to the resolution, regarding the devices (plate readers), as he was involved with the approval at the county level.

Engineer Britton – Discussed the MS4 Program, working on the annual report & year end, Planning Board final review, Final Plat plans upon approval, also working on Niagara Co. Sewer, Separate budget for Garrett Way and how to fund by residents in that district. Drawings are with the Planning Board.

DEPARTMENT HEADS

Deputy Town Clerk Lemma reported that monthly reports were received from the Assessor, Building Inspector/Code Enforcement Officer, and the Town Engineer. These reports, along with the monthly reports for the Tax collection, Town Clerk and Water/Sewer collection, were posted online with the agenda documents.

Next, Mrs. Lemma informed the Board of the following monies received and collected in the month of March:

Total State, County and Local Revenues	\$	37,669.46
Water/Sewer Collection	\$	10,010.22
Tax Collection	\$	220,876.09

She also stated that Town Clerk Maurer closed out the 2025 Tax Collection and settled with the Niagara County Treasurer. All monies due to the Town have been paid out for a total of \$1,703,400.20.

Lastly, Mrs. Lemma stated that the Town will be sponsoring a ConnectLife Blood Drive in the Town Hall parking lot on Monday, May 5th from 1:00 pm – 4:00pm. Details can be found on the town's website.

Highway and Water/Sewer Superintendent Fischer – Had nothing to report.

Building Inspector Diedrich – Had nothing to report.

Assessor Friert – Exemptions, applications and renewals processed. In March we had 265 applications, May 1st will have an actual amount.

Recreation Director Covell – Launched the Summer Rec. with the new program through Edmunds, and ran smoother than in the past, hit the 180 mark, no issues.

NEW BUSINESS

RESOLUTION 128-25

ASSESSOR'S INFORMATION CLERK

Motion by Councilman Leible, seconded by Councilman Lombardo, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 9th day of April 2025, that the Supervisor is authorized to request the canvas of the Assessors Information Clerk by Niagara County Civil Service.

FURTHER, BE IT RESOLVED, that the position of Assessors Information Clerk is authorized to be posted, if necessary, using the title description as provided by Niagara County Civil Service. This resolution shall take effect immediately.

RESOLUTION 129-25

APPOINTMENT TO BOARD OF ETHICS

Motion by Councilman Leible, seconded by Councilman Buechler, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 9th day of April 2025, that Dylan Rumbold and Robert McClurg are appointed as members of the Board of Ethics. This resolution shall take effect immediately.

RESOLUTION 130-25

ACCEPTANCE OF PROPOSALS FOR CONCRETE WORK

Motion by Councilman Leible, seconded by Councilman Lombardo, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

WHEREAS, the following quotes were received for concrete work for the Community Center Project:

Hy-Tech Concrete:	\$23,100.00	All Work
Hanes Excavation & Landscaping LLC:	\$19,650.00	Flatwork Only
Premier Concrete and Landscapes of WNY:	\$26,796.00	All Work
EJ Militello Concrete, Inc.:	\$25,950.00	All Work

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of April 2025, that the quote received from Hy-Tech Concrete is approved for \$23,100.00. This resolution shall take effect immediately.

RESOLUTION 131-25

APPROVAL OF I & I PROJECT

Motion by Councilman Leible, seconded by Councilman Lombardo, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

WHEREAS, residents and property owners of the Town of Pendleton rely on the sewer system infrastructure maintained by the Town of Pendleton Water & Sewer Department; and

WHEREAS, limiting infiltration and inflow into the sewer system maintained by the Town of Pendleton assists in reducing the cost of system operation; and

WHEREAS, the Niagara County Sewer District annually provides \$20,000.00 of funding to member towns for projects which reduce system infiltration and inflow; and

WHEREAS, a proposal has been received for a 2025 project that will continue the ongoing work focused on reducing infiltration and inflow.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of April 2025, that the proposal submitted by Nussbaumer & Clarke, Inc. is approved for an amount not to exceed \$20,000.00 for the Town's 2025 infiltration and inflow project.

FURTHER, BE IT RESOLVED, that the Supervisor is authorized to submit this project to the Niagara County Sewer District for approval; and

FURTHER, BE IT RESOLVED, that the payment of this project cost is a reimbursable allocation of funding from the Niagara County Sewer District and will be paid by the Town of Pendleton upon completion of this work. This resolution shall take effect immediately.

RESOLUTION 132-25

ACCEPTANCE OF PROPOSAL FOR PROFESSIONAL SERVICES

Motion by Councilman Leible, seconded by Councilman Buechler, the following resolution was ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

WHEREAS, the Town of Pendleton endeavors to secure grant funding for upgrades and improvements to Depeau Park, a recreational property controlled by the Town; and

WHEREAS, grant applications for funding for such work require technical support for proposed efforts; and

WHEREAS, a proposal has been received from Nussbaumer & Clarke, Inc. for the required technical work in support of potential grant applications.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton on this 9th day of April 2025, that the proposal submitted by Nussbaumer & Clarke, Inc. is approved for an amount not to exceed \$3,000.00. This resolution shall take effect immediately.

Attorney Joerg introduced the next motion, regarding the license plate reader equipment, by explaining that Sheriff Filicetti has been working on this for quite a period of time, and was finally able to get the grant and money to get the cameras in place. They will be stationery cameras, not mobile. Purpose is to pick up a plate at a robbery, child being abducted, etc. Potentially saving lives, a great public need for these plate readers, as they are used all over and very successful. Also, no privacy concerns as your plate is in open view when out driving the roads.

RESOLUTION 133-25

PERMISSION FOR TECHNOLOGY PLACEMENT

Motion by Councilman Lombardo, seconded by Councilman Leible, the following resolution was ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

A RESOLUTION BY THE TOWN OF PENDLETON GRANTING PERMISSION (UPON NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) APPROVAL) TO THE NIAGARA COUNTY SHERIFF'S OFFICE TO INSTALL LICENSE PLATE READER EQUIPMENT WITHIN THE GEOGRAPHICAL JURISDICTION OF THE TOWN OF PENDLETON AND THE STATE OF NEW YORK

WHEREAS, the Town of Pendleton and the Niagara County Sheriff's Office are proposing to install License Plate Reader equipment for Law Enforcement purposes only within State ROW, on or along multiple locations on State routes, located in the Town of Pendleton, Niagara County, and

WHEREAS, the Town of Pendleton and the Niagara County Sheriff's Office. are desirous to have such above-mentioned equipment installed within the geographical jurisdiction of the Town of Pendleton, and

WHEREAS, the Town of Pendleton and the Niagara County Sheriff's Office will meet all State and Municipal requirements during the above-mentioned project, and

WHEREAS, the Town of Pendleton and the Niagara County Sheriff's Office reserves the rights to monitor and inspect the above-mentioned project conducted within the geographical jurisdiction of the Town of Pendleton, and

WHEREAS, the Niagara County Sheriff's Office will execute the above-mentioned project, as shown on the plans/maps and other documents related to the above-mentioned project funded by the 2023 Governor of NY Grant for New Technology and Equipment to Prevent and Solve Crimes, Improve Public Safety apportioned and approved for the Town of Pendleton or for Niagara County Sheriff's Office

NOW, THEREFORE, BE IT RESOLVED, that the Town of Pendleton, by means of this Resolution, and upon NYSDOT approval, grants permission to the Niagara County Sheriff's Office to conduct the above-mentioned project within State ROW and within the geographical jurisdiction of the Town of Pendleton.

BE IT FURTHER RESOLVED, that the Niagara County Sheriff's Office shall maintain or cause to be maintained the installed equipment at the project location(s) and shall cover any expenses that may arise from the executing of the above-mentioned project utilizing the above-mentioned Grant or other Municipal funding, and

BE IT FURTHER RESOLVED, that Michael J. Filicetti the Sheriff, Niagara County Sheriff's Office the authority to sign, with the concurrence of the City's Legal Counsel and by the City Council, any and all documentation that may be necessary as a result of the above-mentioned project as it relates to the Town of Pendleton, and

BE IT FURTHER RESOLVED, that the Clerk of the Town of Pendleton is hereby directed to electronically transmit signed, sealed, notarized, stamped, and certified copy of the foregoing resolution to the Niagara County Sheriff's Office for processing of and inclusion to Law Enforcement Equipment (LEE) Application and Agreement with NYSDOT.

RESOLVED, that this Resolution shall take effect immediately.

RESOLUTION 134-25

EXPENDITURE – EQUIPMENT REPAIR PARTS

Motion by Councilman Lombardo, seconded by Councilman Leible, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

BE IT RESOLVED, by the Town Board of the Town of Pendleton, on this 9th day of April 2025, that the expenditure for equipment repair parts supplied by Kenworth Northeast for \$4,087.50 is approved. This resolution shall take effect immediately.

RESOLUTION 135-25

TOWN BOARD ACTION

Motion by Councilman Buechler, seconded by Councilman Leible, the following resolution was

ADOPTED: Ayes 4 Maerten, Buechler, Leible, Lombardo

Nays 0

Absent 1 Hickman

RESOLUTION AFFIRMING THE DETERMINATION OF THE TOWN BOARD THAT IT LACKS JURISDICTION TO ENTERTAIN A SPECIAL USE PERMIT APPLICATION FOR A STONE AND CONSTRUCTION DEBRIS CRUSHING OPERATION TO BE LOCATED AT 5532 KILLIAN ROAD, TOWN OF PENDLETON

WHEREAS, the Town Board of the Town of Pendleton reviewed the request for a Special Use Permit for a stone and construction debris crushing operation to be located at 5532 Killian Road (the "Property"), Town of Pendleton; and

WHEREAS, the Property is located in the Light Industrial District, and the specially permitted uses in that District (§247-14(D)) do not include a stone and construction debris crushing operation; and

WHEREAS, a use is assumed to be prohibited where it is not listed as a use by right or special permit use within any zoning district unless there has been a written determination by the Zoning Board of Appeals pursuant to its interpretation authority that the proposed use is similar to permitted uses and not inherently a nuisance, menace or danger to the health, safety or welfare of the residents of the Town (§247-8(B)); and

WHEREAS, the applicant has not provided the required determination under §247-8(B); and

WHEREAS, in September 2019 the Town Building Inspector issued a written decision stating "concrete-crushing is not a permitted use by right...", which determination was not appealed administratively or judicially; and

WHEREAS, the Town Board finds that the proposed use is not similar to permitted uses and further finds that such use would constitute a nuisance threatening the health, safety and welfare of the residents of the Town.

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Pendleton as follows:

- 1) The Town Board finds that it has no jurisdiction to consider a special use application for a stone and construction debris crushing operation to be located at 5532 Killian Road, Town of Pendleton because the applicant has not obtained a written determination from the Zoning Board of Appeals that the proposed use is an allowed use.
- 2) This resolution is effective immediately.

RESOLUTION 136-25

CODE ENFORCEMENT ACTION

Motion by Councilman Leible, seconded by Councilman Buechler, the following resolution was

ADOPTED: Ayes 3 Maerten, Buechler, Lombardo
 Nays 1 Leible
 Absent 1 Hickman

WHEREAS, Christopher Neffke, a property owner ("Owner") in the Town of Pendleton, has been accumulating rubbish, trash, litter and other refuse at his property located at 4184 Beach Ridge Road (the "Property"); and

WHEREAS, the keeping of that rubbish, trash, litter and other refuse at the Property violates the prohibition on littering and dumping contained in Section 213-32 of the Town Code of the Town of Pendleton; and

WHEREAS, the stockpile of solid waste at the Property violates Section 247-90(D)(1) of the Town Code of the Town of Pendleton; and

WHEREAS, the keeping of that rubbish, trash, litter and other refuse at the Property endangers the health, safety and welfare of the citizens of the Town of Pendleton, and constitutes a public nuisance; and

WHEREAS, Owner has ignored several requests by the Town Board to clear the Property of rubbish, trash, litter and other refuse to abate that public nuisance, including those as specified in the Notice of Violation and Order to Remedy dated August 8, 2024; and

WHEREAS, the Town Board has the authority, pursuant to Town Law § 64(5-a), Town Code § 247-90(F), New York case law, and New York common law, to order removal of said rubbish, refuse and debris from the Property; and

WHEREAS, pursuant to Town Law § 64(5-a), Town Code § 247-90(F), New York case law, and New York common law, if said order is not complied with, the Town may enter the property to abate the nuisance, and add the costs of that abatement to most recent water bill for the Property, and if not collected within 30 days to the assessment roll for the Property.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Pendleton that:

- 1) Owner is hereby ordered to remove the rubbish, trash, litter and other refuse accumulated at the Property within ten (10) days of the date of mailing of this resolution to the Owner.
- 2) In the event that Owner fails to abate the public nuisance by removing the accumulated trash, rubbish, litter and other refused accumulated by the Property within ten (10) days or otherwise fails to respond to this resolution, the Town shall have the authority to enter the Property, take all necessary actions to abate the nuisance, and assess the costs against the Property, which shall constitute a lien thereon as specified in Town Code § 247-90(F), and shall be collected in the manner provided by law.
- 3) This resolution is effective immediately.

PUBLIC REMARKS/COMMENTS

A resident had two concerns –

- 1.) They would like to have a more response to “Public Comments”, addressing concerns, making public more aware.
- 2.) Use of “Procurement Policies”, use the one adopted, making sure it’s not outdated.

Another resident made a comment regarding the Highway Dept. removing debris at the above-mentioned home, making sure there would be no danger at the residence. Supervisor Maerten reassured him, all precautionary measures would take place or are in place.

Two councilmen also suggested to the Building Inspector, a couple other residences in need of inspection.

No further public remarks or comments were made.

Supervisor Maerten has announced the following upcoming meetings:

- Tentative Town Board Work Session: April 28, 2025
- Town Board Regular Meeting: May 12, 2025

Motion by Councilman Leible, seconded by Councilman Lombardo, to adjourn from the Regular Meeting at 7:35 p.m. Motion carried.

Noreen Lemma, Deputy Town Clerk